

Appl. No.: 10/049,898
Amdt. Dated: October 30, 2003
Reply to Office Action of: August 20, 2003

REMARKS and ARGUMENTS PRESENTED

1. In the Claims

Claims 1, 3-6, 8 and 9 remain in the application. Claims 2 and 7 have been cancelled and the subject matter of these claims has been incorporated into independent claims 1 and 5, respectively. In addition, claims 1 and 5 have been amended in accordance with the Examiner's suggestion in order to clarify what is being claimed. Applicant thanks the Examiner for this assistance.

2. Specification

The Examiner has requested applicant to review the Specification to correct any errors that may be present, including various informalities or typographical errors.

In the specification, the paragraphs numbered [0006], [0009] to [0012] and [0035] have been amended to correct minor editorial problems. In addition, the paragraph [0023] has been amended to make reference to the numeral 29 present in Fig. 1 but not mentioned previously in the specification. Numeral 29 has been stated as being an end of either cable 21 from which fiber 27 continues or an end of cable 25 into which fiber 27 continues. Applicant believes that this amendment does not introduce new subject matter into the specification because the foregoing is obvious from the drawings and the specification as originally presented.

3. Allowed Claims/Subject Matter

Applicant notes with appreciation that the Examiner has indicated the subject matter of claims 2, 3, 7, and 8 are patentable, and would be allowable if rewritten in independent form, incorporating all the limitations of the base claim and any intervening claims. In particular, applicant note that the Examiner has stated that the distinguishing feature of the invention is that the outer coating of claims 1 and 5 is divided into two half-shells, a feature that none of the references teaches or suggest. Accordingly, applicant has incorporated the subject matter of claims 2 and 7 that describe the half-shell feature into independent claims 1 and 5, respectively. Applicant believes that as a result of this

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amendment and an addition amendment suggested by the Examiner for clarity the claims as present presented are in allowable form.

4. § 102 Rejections

The Examiner has rejected claims 1, 4, 5, and 9 under 35 U.S.C. § 102(e) as being anticipated by Kornreich, et al' U.S. Patent No. 6,072,930. Applicant submits that the independent claims 1 and 5, as amended, are not anticipated by Kornreich. Kornreich does not teach or suggest an optical waveguide with an outer coating subdivided into two half-shells whose magnetic orientations are mutually opposed. Accordingly, applicants submits that it is proper for the Examiner to withdraw the § 102(e) rejection. In addition, applicant submits that claims 4 and 9 are patentable in view of each being dependent on a patentable base claims.

5. § 103 Rejections

The Examiner has rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable for obviousness over Kornreich, et al, U.S. Patent No. 6,072,930 in view of Braun, et al, U.S. Patent No. 3,768,146. Claim 6 is dependent on claim 5. Claim 5 has been amended to include the feature that that outer coating of the claimed optical waveguide is subdivided into two half-shells whose magnetic orientations are mutually opposed. Neither Kornreich nor Braun, alone or in combination, teaches this feature of the invention as recited in amended claim 5. Applicant submits that claim 5 is patentable over the cited art. Applicant further submits that claim 6 is patentable in view of its being dependent on a patentable claim. Therefore, applicant submits that it is proper for the Examiner to withdraw the § 103(a) rejection of claim 6.

Applicant would like to thank the Examiner for the acknowledgement of the priority application and the Information Disclosure Statement filed February 12, 2003.

Based upon the above amendments, remarks, and papers of records, applicant believes the pending claims of the above-captioned application are in allowable form and

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patentable over the prior art of record. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Applicant believes that no extension of time is necessary to make this Reply timely. Should applicant be in error, applicant respectfully requests that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Reply timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to Dr. Walter M. Douglas at 607-974-2431.

30 October 2003
Date

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8	
I hereby certify that this paper and any papers referred to herein are being transmitted by facsimile to the U.S. Patent and Trademark Office at 703-872-9318 on:	
<u>30 October 2003</u> Date	
<u>Walter M. Douglas</u> Walter M. Douglas	<u>30 Oct 2003</u> Date

Respectfully submitted,
CORNING INCORPORATED

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